

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atul Kelkar et al.

Art Unit: 2123

Application No.: 10/731,742

Examiner: Juan Carlos Ochoa

Filed: December 9, 2003

For: METHOD AND SYSTEM TO
PERFORM ENERGY-EXTRACTION
BASED ACTIVE NOISE CONTROL

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 27, 2007, rejecting the following claims: 1 and 10-15. While the Advisory Action indicates that claims 3-7 are rejected, Examiner Ochoa confirmed in a telephone message to Appellants' attorney that claims 3-7 are merely objected to.

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:
☐ other than a small entity or ☒ a small entity.

Notice of Appeal Fee due \$255.00

<i>CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8</i>			
I hereby certify that this Notice of Appeal and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being transmitted to the United States Patent and Trademark Office via the Electronic Filing System.			
<i>Name (Print/Type)</i>	Patricia L. Volkert		
<i>Signature</i>	/Patricia L. Volkert/	<i>Date</i>	January 10, 2008

3. Extension of Time

- ☒ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$60.00.
- ☐ An extension for one month has already been secured and the fee paid therefore of \$ 0.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$ 60.00

4. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$255.00
Extension Fee (if any)	\$ 60.00

Total Fee Due: \$315.00

5. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 50-3505. A duplicate of this transmittal is attached.

Respectfully submitted,

/Jeffery J. Makeever/

Jeffery J. Makeever, Reg. No. 37390
Reinhart Boerner Van Deuren P.C.
2215 Perrygreen Way
Rockford, Illinois 61107
(815) 633-5300 (telephone)
(815) 654-5770 (facsimile)

Date: January 10, 2008